

FILED

SEP 23 2005

CLERK, U.S. DISTRICT COURT

By *dg*
Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MISAELO GUZMAN, # 1104975,

§

Petitioner,

§

v.

§

NO. 3:05-CV-954-L

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

Respondent.

§

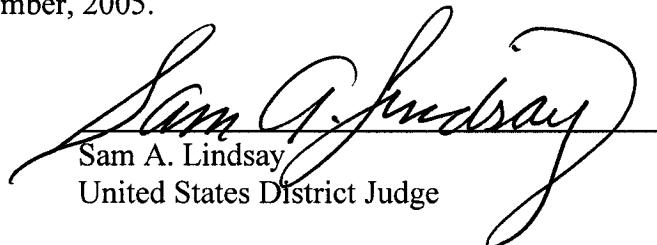
ORDER

Petitioner Misael Guzman (“Petitioner”), appearing *pro se*, filed an application for writ of habeas corpus under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. §636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On September 1, 2005, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) were filed, to which no objections were filed.

The magistrate judge recommended that Petitioner’s application be denied and his action dismissed as time barred by the one-year statute of limitations pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), codified at 28 U.S.C. § 2244(d). *See Report at 3-4* (and cases cited therein). Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct. Accordingly, the magistrate’s findings and conclusions are accepted as those of the court.

Petitioner's application is **denied**, and this action is **dismissed with prejudice**. Judgment dismissing will issue by separate document.

It is so ordered this 23rd day of September, 2005.



A handwritten signature in black ink, appearing to read "Sam A. Lindsay". Below the signature, the name "Sam A. Lindsay" is printed in a standard font, followed by "United States District Judge".